



BRB No. 19-0252 BLA

KERMIT F. BENTLEY)	
)	
Claimant-Respondent)	
)	
v.)	
)	
KENTUCKY ELKHORN COAL)	
INCORPORATED)	
)	
and)	
)	
AMERICAN BUSINESS & MERCANTILE)	DATE ISSUED: 09/29/202
INSURANCE, INCORPORATED)	
)	
Employer/Carrier-)	
Petitioners)	
)	
DIRECTOR, OFFICE OF WORKERS')	
COMPENSATION PROGRAMS, UNITED)	
STATES DEPARTMENT OF LABOR)	ORDER on MOTION for
)	RECONSIDERATION
Party-in-Interest)	EN BANC

Employer has filed a timely motion for reconsideration en banc of the Benefits Review Board's Decision and Order affirming the administrative law judge's award of benefits in this case, *Bentley v. Ky. Elkhorn Coal Inc.*, BRB No. 19-0252 (July 14, 2020) (unpub.). 33 U.S.C. §921(b)(5); 20 C.F.R. §802.407(a). Claimant and the Director, Office of Workers' Compensation Programs, respond in support of the Board's decision. After consideration of Employer's contentions and review of the Board's disposition of this case, no member of the Board voted to grant Employer's motion. Consequently, Employer's motion for reconsideration en banc is denied. 20 C.F.R. §§801.301(b), (c), 802.407(b), (d), 802.409.

By Order of the Board:

Thomas O. Shepherd, Jr.
Clerk of the Appellate Boards

